



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WARNER BROS. ENTERTAINMENT INC.;
TWENTIETH CENTURY FOX FILM
CORPORATION; COLUMBIA PICTURES
INDUSTRIES, INC.; UNIVERSAL CITY STUDIOS
LLC; UNIVERSAL STUDIOS HOME
ENTERTAINMENT LLC; DISNEY ENTERPRISES,
INC.; PARAMOUNT PICTURES CORPORATION;
and VIACOM INTERNATIONAL, INC.,

Plaintiffs,

v.

PHAT BUI and DOES 1-10, D/B/A PUBFILM.COM,
PUBFILMNO1.COM, PUBFILMHD.COM,
PIDTV.COM, TOP100FILM.COM, and
IDMCA.NET,

Defendants.

CIVIL ACTION NO. 17-CV-875

ORDER

[FILED UNDER SEAL]

On February 7, 2017, this Court issued a temporary restraining order against Defendants and issued an order to show cause for preliminary injunction. Defendants were served on February 15, 2017, as authorized by the Court. The Court held a hearing this morning, February 17, 2017, on the order to show cause at which Defendants did not appear. To date, Defendants have failed to notice an appearance and, indeed, have continued to engage in the conduct proscribed by the temporary restraining order.

Having reviewed the record of this case and having heard argument at this morning's hearing, the Court hereby makes the following findings of fact and conclusions of law:

1. Plaintiffs have demonstrated that they are entitled to the injunctive relief sought by establishing that they are suffering irreparable harm, that they are likely to succeed on the merits of their claims, and that the public interest favors the entry of an injunction.

2. With respect to the likelihood of success on the merits of Plaintiffs' copyright infringement claims, Plaintiffs have demonstrated that they are likely to succeed in showing that they own or exclusively control copyrights in the motion picture and/or television programs at issue in this lawsuit ("Plaintiffs' Works"), including the copyrights identified in Exhibit A to the Complaint, and that those copyrights are valid and entitled to protection.

3. Further with respect to likelihood of success on the merits of Plaintiffs' copyright claim, Plaintiffs have demonstrated that they are likely to succeed in showing that Defendants, through the websites resolving at the domain names PUBFILM.CC, PUBFILM.NET, PUBFILM.COM, PUBFILMNO1.COM, PUBFILMHD.COM, PIDTV.COM, TOP100FILM.COM, and IDMCA.NET (collectively, the "PubFilm Websites"), are engaging in direct and secondary copyright infringement of Plaintiffs' copyrights in Plaintiffs' Works.

4. With respect to the likelihood of success on the merits of their Lanham Act claims, Plaintiffs have demonstrated that they are likely to succeed in showing that they are the owners of all right, title, interest, and all goodwill in the trademarks at issue in this lawsuit ("Plaintiffs' Marks"), including the trademarks identified in Exhibit B to the Complaint, and that Plaintiffs' Marks are valid and protected by federal registration.

5. Further with respect to the likelihood of success on the merits of their Lanham Act claims, Plaintiffs have demonstrated that they are likely to succeed in showing that: (a) Defendants unlawfully distribute and/or market, through the PubFilm Websites, unauthorized copies of Plaintiffs' Works using, in part, exact infringing copies of Plaintiffs' Marks, (b) Defendants' use of Plaintiffs' Marks is likely to cause confusion, and (c) Plaintiffs did not consent to Defendants' use of Plaintiffs' Marks.

6. There is good cause to believe that, unless the Defendants are preliminarily enjoined by Order of this Court, immediate and irreparable harm will result from the Defendants' ongoing violations.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 65, Section 502 of the Copyright Act, Section 34 of the Lanham Act, and this Court's inherent equitable powers, that Defendants, their officers, agents, servants, employees, attorneys, and any persons in active concert or participation with them, are preliminarily enjoined from:

a. Hosting, linking to, distributing, reproducing, copying, uploading, making available for download, indexing, displaying, exhibiting, publicly performing, communicating to the public, streaming, transmitting, or otherwise exploiting or making any use of any of Plaintiffs' Works or any portion(s) thereof in any form;

b. Taking any action that directly or indirectly enables, facilitates, permits, assists, solicits, encourages or induces any user or other third party (i) to copy, host, index, reproduce, download, stream, exhibit, distribute, communicate to the public, upload, link to, transmit, publicly perform, display or otherwise use or exploit in any manner any of Plaintiffs' Works or portion(s) thereof; or (ii) to make available any of Plaintiffs' Works for copying, hosting, indexing, reproducing, downloading, streaming, exhibiting, distributing, communicating to the public, uploading, linking to, transmitting, publicly performing or displaying, or for any other use or means of exploitation;

c. Using Plaintiffs' Marks or any reproduction, counterfeit, copy or colorable imitation of Plaintiffs' Marks in connection with the distribution or advertising of any unauthorized copies of Plaintiffs' Works;

d. Committing any acts calculated to cause users to believe that the copies of Plaintiffs' Works available through the PubFilm Websites are authorized copies sponsored by,

approved by, connected with, guaranteed by, or distributed under the control and/or supervision of Plaintiffs;

e. Otherwise infringing Plaintiffs' Works, Plaintiffs' Marks, and/or damaging Plaintiffs' goodwill;

f. Transferring, performing any function or taking any step that results in the transfer of the registration of any of the domain names of the PubFilm Websites (the "PubFilm Domain Names") to any other registrant or registrar;

g. Moving, destroying, or otherwise disposing of any computer files, electronic files, business records, or documents related to the PubFilm Websites, the PubFilm Domain Names, and/or Defendants' assets and operations; and

h. Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a)-(h).

IT IS FURTHER ORDERED that, with respect to the PubFilm Domain Names, all domain name registries and registrars for each of the PubFilm Domain Names, including without limitation the top-level domain registry VeriSign, Inc. and the domain registrars Enom, Inc., and GoDaddy.com LLC, shall:

a. Disable the PubFilm Domain Names, through a registry hold or otherwise, and prevent their transfer to anyone other than Plaintiffs;

b. Preserve all evidence that may be used to identify the Defendants using the PubFilm Domain Names; and

c. Refrain from providing any notice or warning to, or communicating in any way with, Defendants or Defendants' representatives and refrain from publicizing this Order until this Order is executed in full and unsealed by the Court, except as necessary to communicate with domain registrars and registries to execute this Order.

IT IS FURTHER ORDERED that this action shall remain sealed by the Court until further notice from the Court.

IT IS SO ORDERED.

Entered this 17th day of February, 2017.


Victor Marrero
United States District Judge

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-JUDGE VICTOR MARRERO -

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CHAMBERS OF
VICTOR MARRERO
UNITED STATES DISTRICT JUDGE

FAX COVER SHEET 2017

Date: February 17

TO:	ORGANIZATION:	FAX NUMBER
Kenneth L. Doroshow	Jenner & Block LLP	202-661-4855

FROM: JUDGE VICTOR MARRERO

NO. OF PAGES : 6
(including cover page)

MESSAGE: It is ORDERED that counsel to whom this Order is sent is responsible for faxing/mailling copy to all counsel and retaining verification of such in the case file. DO NOT FAX SUCH VERIFICATION TO CHAMBERS.

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